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Letter dated 9 October 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 9 October 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus, which contains, as its annex, the letter dated 10 September 2001 addressed to you by His Excellency Mr. Rauf Denktaş, President of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Umit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 9 October 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 10 September 2001 addressed to you by His Excellency, Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning your mission of good offices (see enclosure).

I should be grateful if you could have the present letter and its enclosures circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Enclosure 1

I hope that by now you have been informed of the reasons why I was not able to come to New York. I also hope you give me the benefit of your compassion by accepting my explanation that this is not intended to be a rebuff of your good self, for which, as you know I have the greatest respect and admiration.

It is because of my respect for you and your office that I feel obliged to take your time to detail our position.

It is most unfortunate that it was not possible to impress upon Mr. De Soto that it was premature to invite the two parties to New York for a meeting with you "for resuming the talks". The invitation, therefore, was not a personal invitation by you, it was "for resuming the talks". As I had told you at Salzburg, Austria, Greek Cypriot policy, actions and finally their reactions and unanimous rejection of your statement of 12 September 2000 (which we had received as formulating, in the most neutral and simple way, a framework for the talks) had left nothing, no common ground whatsoever from which to engage in invigorated meaningful talks. The wrong treatment of the Greek Cypriot side by all concerned as the legitimate government of Cyprus, and frequent statements to the effect that "agreement or not, Cyprus(!) will be accepted as a European Union (EU) member" has left no will and no wish on the part of the Greek Cypriot leadership to share anything with us!

To them, continuation of "the talks" is for the purpose of maintaining a platform from which they can project themselves as "a magnanimous government condescending to talk to its unruly minority, which is trying to partition the island by helping the invader". They have accordingly been seeking and getting help under the false pretence that the Cyprus problem arose as a result of occupation and will be settled when the occupier is kicked out of Cyprus and Greek Cypriot refugees return to their properties! We have been living with this false pretence for almost three decades now. In the meantime our politically equal status is denied; embargoes continue; military coupling with mother Greece is enhanced; EU countries are hoodwinked into believing that all will be well once Turkey or Denktaş are brought to line!

In spite of the available evidence and objections incessantly put forward by us showing that the problem arose as a result of planned action by the Greek Cypriot party in order to convert a partnership state into a Greek Cypriot state, the family of nations continue to treat the Greek Cypriot usurped title of the "Republic of Cyprus" as a unitary state within which the Turkish Cypriot minority(!) has misbehaved. Consequently, we are deprived of our right of being seen and heard on the basis of equality as a co-founder and partner of the 1960 Republic.

A brief look at developments in Cyprus since the planned destruction of the partnership Republic in 1963 can help us better understand the challenges and opportunities today.

December 1963: Turkish Cypriots are attacked. Constitutional order is destroyed. One hundred three villages are evacuated. Turkish Cypriot civil servants, ministers, members of Parliament are unable to go to their offices.

Makarios declares the agreements of 1960 to be abrogated. Under British pressure he retracts this statement but says the constitution is dead and buried. He declares he does not recognize Dr. Küçük as his Vice-President.

• 4 March 1964: United Nations Security Council resolves to send United Nations peacekeeping forces to Cyprus "to contribute to the maintenance of law and order and a return to normal conditions". Turkish Cypriot leaders struggle to return to the 1960 constitutional order but the then Secretary-General of the United Nations unfortunately states, in his 10 September 1964 report (S/5950), that he does not interpret his mission to be the restoration of the constitutional situation.

Dr. Küçük's attempt to keep the constitution alive comes to naught because, in spite of all the crimes perpetrated against Turkish Cypriots, Makarios continues to be treated (together with his cabinet composed of 100 per cent Greek Cypriots) as the legitimate government of Cyprus!

The attempt of Turkish Cypriot parliamentarians to return to the House of Representatives on 22 July 1964 was rebuffed by the Speaker of the House (Mr. Clerides himself), who told the Turkish Cypriot parliamentarians that they could not enter the House unless they accept all the constitutional changes (including the abolition of the provision concerning separate majorities) unilaterally made by Greek Cypriot parliamentarians (United Nations Secretary-General's report of 10 September 1964, para. 108).

These were enough to convince Greek Cypriots that they had now achieved their objective of converting the partnership into a Greek Cypriot state. In the words of Mr. Clerides, they needed no solution thereafter because, whatever happened, they were "the government of Cyprus". According to Makarios this accomplishment of driving the Turkish Cypriot partner out of the partnership and discarding the Constitution of the land was "bringing Cyprus to the nearest point to Enosis".

Mr. Clerides' statement is very clear on this point:

> "Just as the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot state with a protected Turkish Cypriot minority, the Turkish preoccupation was to defeat any such effort and to maintain the partnership concept, which in their opinion the Zurich Agreement created between the two communities. The conflict, therefore, was a conflict of principle and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise.
>
> The same principle is still in conflict, even today, though a federal solution has been accepted — and though a federation is nothing more than a constitutional partnership of the component states, provinces or cantons which make up the federation."
>
> (Mr. Glafcos Clerides, My Deposition, vol. III, p. 105)

Ever since, Greek Cypriot policy has been not to have anyone cast any doubt on this self-assumed title of being the legitimate Government of Cyprus. And the conflict has arisen and remains unsettled because the Greek Cypriots are assured that their title will be protected at all costs. No one is interested in diagnosing the problem for what it is.

From 1963 to 1968 Makarios refused to meet what he regarded to be "the leader of the rebels" (namely his Vice-President Dr. Küçük), and he offered us minority rights.

The Greek Cypriot position was that there was no need for contacts or talks with the Turkish Cypriot party because they had already achieved their objective. Only the acceptance of minority status by the Turkish Cypriot party would create "ground" for the Greek Cypriot party — ground to finally give legality to their violent usurpation of power in 1963.

In 1968, I agreed with Mr. Clerides that the partnership established under the 1960 Agreements should be re-adjusted with regard to geography — hence talks began on the agreed common-ground of partnership based on local autonomy.

After six years of on and off talks, Makarios refused to give his approval to a settlement on grounds that I had not accepted minority status and was insisting on the Guarantee System of 1960.

After 1974, we agreed with Mr. Clerides that the two peoples could not live in an integrated fashion as before, hence the agreement of 1975 for voluntary exchange of population, which was monitored by the United Nations Peacekeeping Force in Cyprus (UNFICYP).

For two years, Makarios, who was still in Athens and unable to return to Cyprus, objected to a bi-zonal federal settlement.

Under the pressure of realities on the island, he agreed, in 1977, to a federal partnership based on a bi-zonal, bi-communal federal settlement, but died within four months. At the core of that agreement were the restrictions on the three freedoms in order to give permanence to bi-zonality and thus discard Turkish Cypriot fears of domination.

Kyprianou, who replaced him, dragged his feet for another two years before he confirmed the 1977 Agreement: partnership, to be established on a geographical basis!

But he never believed in it and stalled each time we came to a near agreement.

He rejected the proposals of the Secretary-General of the United Nations of 1985 and 1986, based on partnership, and when he lost the elections in 1988 he publicly declared that he had never believed in a federal settlement and that he had done his national duty by protecting the title of the government of Cyprus (which was the nearest point to Enosis, as stated by Makarios).

In the meantime the Set of Ideas, envisaging a new partnership, was on the table.

Mr. Vassiliou pretended to talk on the basis of "a new partnership" until we came to the point of signing the Agreement. But his letter, to the effect that he would follow "the national policy of Mr. Kiprianou", published in the Greek Cypriot press, proved that the "national policy" of Greek Cypriot leaders would not and could not change. It was election year and Mr. Clerides was defying any agreement based on the Set of Ideas.

Mr. Vassiliou lost the elections. Mr. Clerides, who won the elections in 1992, refused to negotiate, arguing that there was no common ground on which to negotiate.

In 1994, through the Secretary-General of the United Nations, I managed to come face to face with Mr. Clerides. He said he would talk to me if I agreed to

support the Greek Cypriot application for EU membership. He knew that I could not do so on political and legal grounds. So he refused to talk to me using the excuse that there was no common ground between us.

We lost another three years before you succeeded in bringing us together in 1997 at Troutback and Glion.

This time, Mr. Clerides rested his case on EU norms and rejected every parameter on the table.

With great difficulty we agreed to take part at the proximity talks in 2000.

At the end of the fourth round, you succeeded in giving us a neutral but acceptable framework with your statement of 12 September, which was immediately rejected by the Greek Cypriot side. This initial angry reaction to "a new partnership" was given full backing by the Greek Cypriot House of Representatives on 11 October 2000. A copy of this resolution, which I had given you in Salzburg, is attached for ease of reference (see enclosure 2).

As I tried to point out from the beginning, the purpose of the talks was for re-establishing *a new partnership*, but, the Greek Cypriot rejection of the partnership emanates from the encouragement they have received from the international community, and more recently from EU circles, to the effect that "the legitimate government of Cyprus has made a proper application and can become a member even if the Cyprus problem is not settled!". Further statements to the effect that Turkish Cypriots have no right of objection to such entry has enhanced the Greek Cypriot belief that they have truly become "the government of Cyprus" and that Turkish Cypriots have to tow the line whether they like it or not. All these have undermined the chances of success of your good offices mission aimed at the establishment of a new partnership based on the explicit recognition of the equal status of the two parties.

Having gone through this experience, and knowing well that Greek Cypriot policy is to consolidate their position as "the government of Cyprus", it is incumbent upon me, as the representative of my people, whose rights and status stand in great jeopardy, not to facilitate this trend, which is contrary to the rule of law and to all the realities appertaining to Cyprus. We must always bear in mind that we are dealing with the case of a usurped partnership, in which the party whose rights and status have been violated has succeeded to maintain its integrity and, as a result of the expression of the political will of its people, has, since 1963, evolved into a parallel democratic state.

After 38 years of failed negotiations, we, like you, are convinced that it is imperative to prepare the ground for meaningful negotiations. But we must see proof that the ground is really prepared if we are not going to engage in yet another futile exercise. It is because of this that we are insisting on "common ground" regarding the objective (the establishment of a new partnership) and guiding principles (the equal status of the parties and that neither can represent the other nor the whole of Cyprus) before we start a new phase of reinvigorated and meaningful negotiations.

I trust and believe that through your good offices you will be able to convince Mr. Clerides that I am as justified, if not more so than he was, when he adamantly refused to start negotiations with me on the ground that there was nothing in common to talk about. During those years the Set of Ideas was on the table together

with all the Agreements we had made. Now his readiness for talks cannot be accepted by me as a sincere gesture of good-will, especially in the light of the fact that he has admitted to his press that he attends talks simply for tactical reasons, the tactic being to say yes to everything to which the Turkish Cypriot side says no.

Mr. Secretary-General,

I would like to confirm again that, as you have outlined in your statement of 12 September 2000, the Turkish Cypriot party is very much interested in the establishment of a new partnership in Cyprus that will recognize and be based on the equal status of its two constituting parties. If the Greek Cypriot party also feels the same way, and can make the same commitment, we would have together made a significant leap forward and would have opened the door for reinvigorated and meaningful talks. Peace, security and stability in the island and in the region need a freely negotiated agreement between the two sovereign equal parties. Healthy EU enlargement and the membership of "Cyprus" in the EU all depend on the negotiated agreement.

The recognition by the British Parliament of the separate right of self-determination of the Turkish Cypriot people and of the Greek Cypriot people twice, once in 1956 and once in 1958, prepared the ground for the establishment of the 1960 partnership Republic.

This time round, the securing of a commitment from both parties that the purpose of the United Nations-facilitated talks is the establishment of a new partnership, to be explicitly based on the equal status of the two parties, would have prepared the ground for the reinvigorated phase of the talks for which you are calling.

I look forward to a confirmation of such a commitment from the Greek Cypriot side, either through you or through Mr. De Soto, and to engaging in meaningful negotiations within the framework of your mission of good offices.

(*Signed*) Rauf R. **Denktaş**
President

Enclosure 2

Resolution of the House of Representatives

11 October 2000

At an extraordinary session today, the House of Representatives discussed the latest developments in the Cyprus problem and, in particular, the developments at the fourth round of proximity talks, which were held in New York from the end of September to the beginning of October 2000.

The House of Representatives concludes that the opening statement of the United Nations Secretary-General, Mr. Kofi Annan, falls outside the letter and spirit of the framework of the talks and the basis of a solution of the Cyprus problem as determined by the United Nations principles, decisions and resolutions.

It also establishes that the non-papers that the United Nations Secretary-General's representative, Mr. de Soto, presented to the representatives of the two communities contain ideas and proposals that are not in line with the framework of principles and United Nations resolutions.

Taking all the above into account, the House of Representatives:

1. Reiterates its firm insistence on a s lution of the Cyprus problem based on the United Nations resolutions and decisions and the 1977 and 1979 high-level agreements. A bi-communal, bi-zonal federation constitutes our ultimate and painful concession and not a starting position for negotiations aiming at the finding of a "middle-of-the-road settlement". It must safeguard the human rights and fundamental freedoms of all the Cypriot people — Greek Cypriots, Turkish Cypriots, Maronites, Armenians and Latins — and envisage the restoration of the sovereignty and territorial integrity of the State of Cyprus and the withdrawal of the occupation troops and settlers.

2. Calls upon the United Nations Secretariat to repeat and reaffirm that the talks are being held on the basis of the United Nations resolutions and the 1977 and 1979 high-level agreements and to make the necessary corrective moves.

3. Appeals to various mediators who are guiding or supporting the United Nations intervention in the Cyprus problem to uphold with greater strictness, firmness and consistency the principles of the United Nations, the provisions of their decisions and resolutions on Cyprus, the high-level agreements and the acquis communautaire.

It is a basic and fundamental principle of the talks that any proposals or ideas should be fully in line with the acquis communautaire.

4. Declares that it rejects any proposals and ideas containing the seeds of confederation or the establishment of two states, and calls upon the President of the Republic to repeat clearly in all directions that he will neither accept nor discuss a framework for the solution of the Cyprus problem containing confederal elements.

5. Calls upon, at the same time, the President of the Republic to continue and intensify his efforts in the direction of a full correction of the situation created by the United Nations Secretary-General's opening statement and in reaffirming the basis of the talks and the framework for a solution, as these are determined by the resolutions and decisions of the United Nations and the two high-level agreements.

6. Calls upon the President of the Republic to continue and intensify the initiatives and handling, which will substantively and effectively support the agreed targets set by the National Council and the accepted procedures and handling for the solution of the Cyprus problem.

7. Considers that there is an imperative need for the National Council to study and analyse in depth current developments concerning the Cyprus problem and, on the basis of the assessments and conclusions to be drawn, to consult with the Greek Government so as to determine the tactics and further handling of our national problem, aiming always at a workable and viable solution.